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UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
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Edward Cale
Plaintiff(s)

Case # 2:17-cv-01099-
MJP

vs.

COMPLAINT

The United States Postal Service
Kiran Chawla & Navdeep Dhaliwal

Workplace Harassment, Bullying,
Physical Assault, and Discrimination.

The reason for this case filed in Federal District Court is that my employer, and especially Kiran Chawla and Navdeep Dahliwal are practicing perpetual ongoing bullying, harassment, and physical assault against me as their employee. The reason it is of importance to this Court is that Federal employment is to be free from physical assault, free from bullying and harassment, and not a hostile work environment that causes psychological and physical harm to employees and unjust discriminatory and retaliatory action for being a whistle blower and for reporting crime and hazards. I have been unfairly disciplined repeatedly, since being at Skyway, for doing the right thing and being an outstanding employee. At Skyway especially, illegal behavior is the norm and since I am striving to better myself, I am a threat to Kiran Chawla and to many employees, including upper management whom have harassed me and lie about it when I have confronted them. Federal law prohibits harassment, bullying, physical assault, discrimination based on religion, gender, race(ethnicity), religion, and other protected categories. Also deception is illegal in Federal employment and not only does the USPS have a zero tolerance policy on bullying, harassment, and physical assault, but the USPS has a prohibition on deception in interrogation, and personnel actions found in the ELM 660, and other policies governing the honest and integrity of all employees of the USPS at all levels of employment.

On 6/12/17 I spoke with Nick at the NALC NBA district 2 office and on 6/13/17 Jason at the same office at 360.892.6545. I asked why for the last two years I have repeatedly filed numerous statements and asked for them all to be filed as grievances in the last couple years at Skyway station and that most of them, especially the ones pertaining to bullying and harassment, and physical assault have not been filed. They had no answer for me. Then I asked why no investigation into this had been done as other employees state that bullying and harassment is a common practice of Kiran Chawla, such as getting statements from carriers such as Marcus Dorsey, Xavier Dihn, James White, Larry (last name is being subpoenaed, and Trung (correct spelling of name and last name of some of the mentioned employees is being subpoenaed) a CCA (whose correct spelling of his name and last name are being subpoenaed, as they

claim Kiran bullies and harasses them too. I recently asked for their statements and then Kiran intentionally put me supposedly on 6/12/17 on admin emergency paid leave this blocking my ability to contact these employees further and obtain statements from them. It now appears that both employees, the union, and management have been bullying, harassing, and assaulting me physically, discriminating against me based on religion and race (ethnicity) this whole time especially over the two years I've been at Skyway. Therefore this Federal Court Case has been initiated. The NBA NALC district 2 office claims that they are looking into that, and why my grievances were mostly not filed and the serious nature of bully, harassment, and physical assault was covered up, though I have proof that I documented and filed numerous grievances of such with Lee Brown, and Taleah Smith (most recently). I believe that the union has been covering up these crimes and intentionally not interviewing employees and not filing my grievances about such though just holding on to my statements that say "grievance", instead colluding with management to prevent further "proof" of such bullying and have instead promoted a hostile work environment for a substantial whole. They have thus far not investigated such claims of bullying and harassment directly, and only indirectly have they filed grievances such as Kiran pressuring me to not use the restroom except for one time prior to leaving to my route, a grievance that was won, however Kiran knows better and so does the union and this to me is all around racism and discrimination based on religion, and bullying, and harassment.

I believe that all of the specifically named illegal offenses have been occurring against me by the above named individuals as well as top level officials of USPS management such as Trent McNeil, the Post Master, Micheal Carey, Assistant to the Post Master, Balvinder Singh-Minhas, On Wong, Jon, Patrice Everett, and also members and officials of the NALC union such as B.J. Hansen, Lee Brown, Taleah Smith, Marcus Dorsey, Xavier Dihn, James White, Micheal Keels, and etc. this is because I have filed for the last two years numerous grievances about bullying and harassment occurring in the workplace, specifically by Koran and Navdeep, and not a single grievance about a pervasive (or any) pattern of such has been filed by the union though I filed numerous grievances about such (see evidence of all grievances filed under seal). I have mentioned to Nick of the National Business Agent of the NALC on 6/12/2017 that no investigation or statements specifically to Kiran Chawla bullying me or other employees pervasively has ever been conducted by the union though I have filed many grievances over the last two years. They made no attempt to gain further evidence of bullying and harassment. Additionally I have been told and over heard other employees state that Kiran is bullying them and I asked recently for their statements which they stated they would provide soon when I am at work. Since I am not currently at work (I will explain), I cannot get these statements and it is very likely that these employees are also bullying me and are lying to make me think they are targeted too so that they all can continue to bully me.

On 6/12/2017 I called the nonemergency Police hotline during my break while I was waiting for the clerks to finish the mail, and for the express truck to arrive, so I could leave to my route. I asked if I could schedule a time during my lunch or after work to place a police report, then Kiran told me to hang up, so I

stated that I would call back. When I was about to leave to my route the police arrived claiming that a woman had called to make a report. Kiran talked to them then the police left. Kiran told me to take a time out outside and I went outside. Then the police appeared and they took my report of ongoing bullying by Kiran towards me. I stated that on 6/8/2017 Kiran appeared on my route, used pervasive bullying and deception, stood in poison and told me to stand in the poison. I refused and said no. I asked for what it was and what ingredients and/or see the contents and Kiran stated "I don't know", and, "see I'm standing in it you need to too". I said I will not stand in poison. In the last 30 days the customer at (address not disclosed on public record), was held for the last almost 30 days by authorization of management and that now I was being told to stand in poison. I said I would not stand in poison and that three notices, of which management signed the first two and were delivered to the customer, had been given to the customer in the last 30 days. Also Kiran had me holding mail to another customer who Kiran wanted them to relocate their mail box after I initially asked for a mail hold because of large dumpsters blocking such. Once the customer removed the heavy dumpsters I was satisfied to deliver the mail, however management refused to stop the mail hold and told me to not resume. After almost 30 days of the customer not complying I was well past the 10 day limit of holding customers mail, same as the customer with poison all over. The interesting point is that management wanted me to hold the mail at both places but didn't want me to resume at one place one the customer corrected the problem and Kiran wanted me to stand in the poison as she demonstrated standing in the poison and made a particularly disturbing performance of these issues. This is what I told the police along with the fact that there have been police raids on my route with potential for cross fire towards me while on the route, and that a couple customers have had large dogs off the leash in the last 30 days, were given notices and refused to comply in the long run. On of these customers their address was unknown and another the management signed a mail hold and they had no mailbox to deliver to anyways and the mail need to be returned from the beginning due to the customer not wanting the mail in the first place. After the police took my report (Case #K17192886 Dep. B. Miller) and left, the postal inspectors arrived and were called by Kiran and they immediately asked me to leave the USPS and did not take my statement. As I was leaving and in my vehicle on public property outside of the USPS, one postal inspector approach me while in my vehicle and I asked if I could help him. He asked me if I had my badge on me, I said yes, and he asked for it and I gave it to him. Then, he began asking me questions and we engaged in a more friendlier conversation. Also the second postal inspector also came over and she began asking questions and was a lot more friendlier at this time. I explained the pervasive pattern of bullying, harassment, deception, and discrimination based on race (ethnicity), religion, gender, and etc. I asked the postal inspectors if anyone had verified what the poison was and they said "no". I informed the postal inspectors that if they could verify the substance, and if they can have the customer remove the poison around all of the mailbox, hand rails, and ground, then I would resume delivery of the mail with the postal inspector's approval. The Postal inspectors said they would look into it and that I was to leave for the day and they don't know what management is doing. The postal inspector stated that he believes that I am a nice guy and understands that my safety is important as well as my children, stating

that my shoes and uniform go into my car I have three kids with, and our home where I have three small children living with me and that I shouldn't have to expose them to any hazards such as poison. See pictures of the poison and how it looks very suspicious especially for the way in which poison is usually applied, normal it is applied in a line around the home along the base of the home not all over the mailbox, hand rails and ground. (Evidence #1, pictures of poison, report to customer and management, and OSHA report). I have the day off on 6/13/2017, and the union stated that I have been placed on emergency paid administrative leave, though there is no documentation of such thus far, and the union President BJ Hansen stated that there is no reason for management to place me on admin leave or any leave or take any action against me for any of these events. I met with the President of the NALC after leaving from speaking to the postal inspectors.

The pattern of abuse by my employer is seen in the recent history as follows and has been very abusive in the past one year:

1. I recently filed an EEO about this ongoing pattern of physical assault, bullying, harassment, and illegal discrimination and I provided two addresses to receive EEO paperwork after filing an initial claim. The Postal management and employees know where I live and I have previously a month prior had a forward request in, filed out a vacant card, and checked with USPS management where I live to ensure that the forward on file is active and accurate. Additionally the EEO office was given my current address. However the management and employee(s) possibly intentionally placed my mail in someone else's mail box and/or the management where I live took my mail and tried to return it to the sender possibly intentionally as they have a copy of my mailbox key they gave me. The apartment manager Naomi stated that another resident reported having received my mail that was mis-delivered and then she returned it to the USPS to be returned to the sender. (See Evidence #2)

2. On 6/7/2017 I was exposed to some very strong very toxic odor when at a customer's home that made me very nauseated and I reported such to Fire and Medical in Seattle case# F170056270 phone number 206.386.1400. It was very suspicious I had never encountered such an odor of this kind before and was concerned of the customer's safety and my own, since the customer did not respond when I rang the door bell and knocked. There was no evidence of any painting or that it would be paint, it was far too strong and toxic for that and no evidence as to what it logically maybe caused by. This incident almost caused me to goto the urgent care or emergency room. (See Evidence #3)

3. Kiran Chawla and Micheal Carey placed me on paid admin leave from the beginning of January until the beginning of April 2017. They later claimed in a March 8th 2017 removal letter, that around the end of September 2016 I went to a second job and was thereby fired for doing so. The union was only able to reduce such to a two week suspension on file for one year. The union stated that there was no just cause for any discipline and that I had FMLA leave approved for the last two years, and for the

dates in question for three days, and that I was on restrictions by a work clinic doctor who for three weeks cited bullying and harassment occurring by my employer towards me to the degree that it significantly effected my ability to preform my regular duties. (See Evidence #4) by the work clinic). And see King County Sheriff's report #K17192886 6/12/2016 regarding such bullying, harassment, and discrimination by Kiran Chawla. Additionally I personally stated in my grievance that while the rules prohibit having a second job that interferes with the hours of the USPS (though it did not interfere as a whole rather only the 33 day training overlapped for an hour each day), that Kiran stated that I could goto the training and would "work with me to allow me to attend", as also witnessed by Lee Brown the shop steward, and the rules also state that an employer can choose to work with an employee on scheduling matters and such. And additionally, the JCAM does not cover any complexities of these situations when they involve an employee who has FMLA leave (which was taken during these few days) and an employee who is completely restricted from work by a specific employer by a work clinic doctor for ongoing bullying and harassment by an employer including a past history of physical assault by the employer. Therefore I was on FMLA, work restrictions entirely from USPS, had permission to attend the training by Kiran as witnessed also by Lee Brown the shop steward. Additionally, because I went to King County District court and the court issued orders to appear on antiharrasment orders, served upon Kiran Chawla and Navdeep Dahliwal by the King County Sheriffs department, Kiran Chawla attempted to intentionally block my ability to attended the hearing by threatening to AWOL me after giving permission to attend previously and refusing to sign my leave forms that were completed a half month in advance. I attended and my attendance records have not been revised though I have put in numerous grievances to review my attendance records and correct them to this very day. The union and especially management refuse to give time to file grievances and block them entirely as stated on 6/10/2017 by Taleah the shop alternate steward.

4. Kiran suspended me for one week with no time off in November 2016 for working off the clock after stating that I could work off the clock through omission and deception, witnessed by Lee Brown. And out of retaliation because I reported to police of being physically assaulted by Navdeep in mid October 2016: case numbers: K16359678 and C17000773, King County Sheriff's office. Additionally, I had been attending counseling and psychiatry for ongoing bullying and harassment by Kiran and Navdeep and management and they wrote a letter stating that I am being abused at work. Navdeep grabbed my hand and violently ripped it towards her in an attempt to prevent me from touching Request of Leave Forms which are required to be in a central location for all employees to obtain. Navdeep was trying to prevent me from filling out a request of leave. Additionally, in one Police report of this even and ongoing bullying the officer had the nerve to mislabel me with mental health issues, and anyone enduring bullying and assault at work is going to have issues, blaming the victim is illegal and these officers need better training and to cease blaming the victims. Additionally, James White also worked off the clock in May 2017 handling first class and standard mail and he was not disciplined for such, thus an ongoing pattern of racism. I am considered Caucasian compared to all individuals involved, James White, Kiran Chawla, Navdeep, and other employees who are all consider to be non -

caucasian and people of color. In all the grievances filed there is a pattern of these individuals making racial slurs at me. For example James calls me a "ghost", "whitey", and etc. and Kiran chimes in including abuse through discipline for the same behavior that she does not discipline James for who is a person of color. (See Evidence #5). Further evidence of this pattern is being requested through NALC and management records via Federal District Court Subpoena, see the copy of such request of records. The union did nothing though I filed a grievance about such stating that they don't want their members to be disciplined by management and that they can't undo the wrong that management has done to me and my disciplinary record. The union also has repeatedly stated that I have no discipline record since there are no files of discipline in my eOPF record online through my USPS employee login profile online. However, management has paper records and they cite them so I don't know if the union is lying to me or not. Further I feel harassed and abused due to the discrepancies of such information.

5. In September 2016 I went to a interview for a supervisor job at USPS and met with Balvinder Singh-Minhas and Jon whereby they practiced deception towards me and made loud pervasive snorting noises for many minutes, implying to me that they were emulating that they were snorting illegal drugs, while I was there at the Post Masters Office and they pervasively bullied and harassed me for some unknown reason for over two and a half hours straight. When they asked how I would improve the post office, they seemed to not like the negative issues and how they could be improved and instead retaliated with emulating behavior of snorting drugs. And in a EEO contract in September of 2015, Trent McNeil and Balvinder Singh-Minhas both stood behind me and bullied me in the post masters office in front of a room of managers by making loud snorting sounds for many minutes and emulating snorting drugs, and also of emulating the police through use of similarly sounding police radios that are not normally seen as part of postal property. Very intentionally crafted to harass me for no good reason. Also I attended another supervisor interview in the summer of 2016 where On Wong introduced me to his boss as his new 204-B Supervisor that he had just hired. I was not given the position officially and On Wong used deception and lied, and stated he never said such which was completely untrue.

6. In the summer of 2016, the exact date is on the Fire and Medic report (See Evidence #4), I was attacked by two dogs that were extremely vicious with large fangs that attacked me while on public property in the middle of the road while at work. The owner of the dogs was inside her home. The dogs were off leash. I ingested pepper spray due to the wind and it really burned. The dogs almost were able to bite me severely however the dog's owner came out of her home and shouted a command and the dogs went inside. The owner pleaded that I not call the police however I couldn't talk because I was in serious distress and shock from the dogs and from ingesting the pepper spray that was burning in my chest. The fire medics were contacted and animal control was contacted off the clock. (See evidence). However after being attacked and seeking medical attention Kiran Chawla did not answer the station phone and when I returned I was an hour late and she began yelling at me at the top of her lungs and began threatening to fire me. I explained the events and Kiran stated, "It is

your fault you were attacked by dogs!" And, "Your refusal to follow instructions and to call and to be on time will lead to disciplinary action including up to removal from the postal service!" I went home and this bullying is frequent practice of Kiran's and it placed me in immediate fear of harm from Kiran and I went to seek help from a work clinic for the tremendous amount of psychological abuse from Kiran. Evidence of this is also part of another section of evidence related to the work clinic as previously described above.

7. On January 18th 2016 I asked management for union time to file grievances, and management intentionally denied me time for the past several weeks, and this pattern of both the union and management intentionally asking me what the nature of the grievance is so that they can both deny meeting with me and pretending that it is management's fault seems to occur so that I am continually abused. So I mentioned to Marisa Jeffords that if I am blocked entirely from filing grievances when I only have contractually two weeks to file a grievance from the date of the occurrence, that maybe I might have to go on strike. I did not know of any other remedy and was a newer employee and did not know that striking was prohibited. James White came over from the other side of the station, though he is not to leave his work area unless instructed from management, and James threatened to physically harm me causing me to fear for my safety by stating, "I could hurt you right now if I want to". Management only gave James White a discussion and no discipline while giving me a suspension that was later lowered by the union to a letter of warning. The union stated that I did not go on strike, did not know about the prohibition of striking, that I am a new employee, and that James was not treated equally to me in management's discipline and that my physical well being was threatened by James. The management never corrected their wrong and this pattern is part of the on going bullying, harassment, and racism occurring against me by management. Again, I am considered-to-be a Caucasian person whom is enduring such racism against a majority of employees whom are considered-to-be people of color at work. See King County Sheriffs report for threats of physical assault and harm #C16003195 January 18th 2016. Evidence of this is being requested from the union and management as part of the Federal Court Subpoena of Records request (See Evidence #6). The postal service USPS and Federal law have a zero policy on threats of physical threats. Therefore, I was alarmed further to find that I have been abused by use of threats of harm and by disciplinary action for reporting such to the police. This pattern is seen whereby every time I contact the police to report abuse I am abused further through discipline. It is my legal right to report abuse by my employer to the police and abusing a whistle blower is a crime.

8. Around approximately the spring of 2015 I initiated an EEO and Trent McNeil the Post Master entered into an EEO contract with me that he crafted entirely in order to train me to be a supervisor and 204-B. This was after I filed grievances related to physical assault whereby I was physically pushed aggressively and thrown back by Pac, a supervisor of USPS Westwood. While in the EEO contract, Trent McNeil breached the entire contract and the EEO office chose to enforce it. Trent completed the contract but did not have any real intent to make me a 204-B longer than a week which is absurd. He did it primarily to give me training that the USPS severely lacks

that they should provide all employees with, and to cover up a physical assault that occurred and bullying and harassment. However, since I was a party to an EEO contract I have been targeted and pervasively bullied by management who gossip with one another about such and for years afterwards, including severe discipline for unjust reasons as a result of such in the past. And in meetings with Trent McNeil he has made threats for me to quit or be fired because I have not given up on seeking that the USPS be free from such abuse and from my goals as a supervisor and 204-B. (See Evidence #7).

See recent food drive that I participated in. One the first day my entire vehicle was full of food from my route. I delivered all notices to customers and bags, plus I picked up all bags with food that = a entire vehicle full the first day, the total was 4 rounds. (See Evidence #8).

A copy of grievances that I stated to the NALC branch 79 office, via Lee Brown and higher ranking officials were given copies such as BJ Hansen and Jo Anne Pyle were filed on the dates signed and were mostly not filed by the NALC or even told to me of such or even followed up with me about for the most part. I recently became aware that most of the patterns of bullying and harassment and physical assault were never filed officially by the NALC union, they were largely ignored and no investigation, nor interviewing of other carriers who state that Kiran Chawla is a bully were ever conducted, and for over two years. (See Evidence #9)

The damages that I have incurred from management's bullying, harassment, and racism, that has been ongoing for especially the last year and in past two years, and for engaging in EEO protected activity, has been:

1. I have been severely and unjustly disciplined and this means that I cannot transfer to a better working environment. I was denied a transfer of districts and crafts due to the discipline record that has been fabricated due to retaliation against me and racism.
2. I do not have the seniority to transfer and I repeatedly have tried for years to a location near home somewhere else.
3. I have suffered emotionally and psychologically to a large degree.
4. I have lost sick and annual leave and a tremendous amount of time and money in the past two years: approximately 100 hours of annual leave and 80 hours of sick leave as for FMLA leave that is directly related to management's abuse towards me. A estimated monetary amount of 500,000 and more is estimated for pain and suffering, time and money lost in monetary value based upon my education level, in medical visits and psychiatric visits, and ability at the USPS and the salary and position of a supervisor and etc. over the past almost three years, and my ability to capitalize on my education, skills, and experience as a supervisor at USPS to find further advancement, has been lost as a result of such damages.

Therefore I am seeking remedy, RELIEF, in the form of the following:

1. A transfer of districts to a district and station near me where I can leave the abuse.
2. A promotion to supervisor which I have been qualified for this entire time since entering into an EEO contract.
3. A removal of my entire disciplinary record post EEO contract, as it has been solely based on illegal discrimination for engaging in EEO protected activity, and discrimination based on race (ethnicity), gender, religion, filing police reports of crimes of bullying and harassment and physical assaults.
4. Compensation for illegal bullying, harassment, and discrimination in the amount of \$500,000.
5. Legal fees for my legal representation that I have needed but couldn't afford due to systematic oppression and poverty inflicted illegally upon me by USPS management. Amount of legal fees is estimated at \$500,000 to have better represented my case and to have awarded me an amount more closer to the amount I am legally eligible to be compensated for than the total I am projected to receive based on my limited ability to represent myself, limited education on legal matters, and etc.

<https://www.eeoc.gov/laws/types/harassment.cfm>

Civil Rights Act 1964 Title VII

Anti Harassment, anti physical assault,
anti discrimination laws.

Federal Laws:

CERCLA [42 U.S.C. § 9610]
29 CFR 24.

1. Hostile work environment outlawed at employer by Federal Law while on duty as a Federal employee.
2. Physical assault occurring against a Federal employee is against Federal law
3. Retaliation against whistleblowing & EEO activity is against Federal law.

Elmer Cole

9/18/17